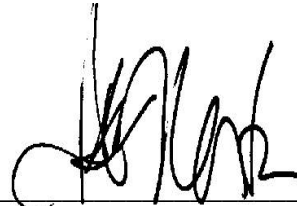


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

Brenda K. Ermi and Armando Emri,)	C/A No. 2:06-541
)	
Plaintiffs,)	
)	
vs.)	
)	ORDER and OPINION
David S. Babich and John Avery Livengood,)	
)	
Defendants.)	
_____)	

On May 19, 2006 this court denied plaintiffs' motion to remand by oral order. The court determined that defendant John Avery Livengood was a sham defendant. As such, it is hereby **ORDERED** that defendant John Avery Livengood is **DISMISSED** from the above-captioned action.

AND IT IS SO ORDERED.



DAVID C. NORTON
UNITED STATES DISTRICT JUDGE

July 31, 2006
Charleston, South Carolina